

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLAUDE MILLER,

No. C 10-00983 SBA (PR)

Plaintiff,

**ORDER OF TRANSFER**

v.

S. GOODMAN,

Defendants.

Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983 and filed an in forma pauperis application.

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same State, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. See 28 U.S.C. § 1391(b).

The acts complained of occurred at the California Institution for Men, which is located in the Eastern Division of the Central District of California, and it appears that the Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. See id.

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the Eastern Division of the United States District Court for the Central District of California. The Clerk of the Court shall transfer the case forthwith. All remaining motions are TERMINATED on this Court's docket as no longer pending in this district.

IT IS SO ORDERED.

DATED: 3/15/10

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 CLAUDE MILLER,

5 Plaintiff,

6 v.

7 S GOODMAN et al,

8 Defendant.

Case Number: CV10-00983 SBA

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on March 18, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Claude Miller K83748  
16 California Institute for Men State Prison  
17 K-83748  
18 P.O. Box 600  
19 Chino, CA 91708

20 S. Goodman

21 Dated: March 18, 2010

22 Richard W. Wieking, Clerk  
23 By: LISA R CLARK, Deputy Clerk  
24  
25  
26  
27  
28